

COOLEY LLP
BOBBY GHAJAR (198719)
JOHN HEMANN (165823)
JUDD LAUTER (290945)
3 Embarcadero, 20th Floor
San Francisco, California 94111-4004
Telephone: (415) 693-2000
Facsimile: (415) 693-2222
Email: bghajar@cooley.com
jhemann@cooley.com
jlauter@cooley.com

DAVID CHIU (189542)
City Attorney
JESSE SMITH (122517)
Chief Assistant City Attorney
YVONNE R. MERÉ (173594)
Chief Deputy City Attorney
JULIE VEIT (209207)
CHRISTOPHER STUART (262399)
Deputy City Attorneys
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4700
Facsimile: (415) 554-4757
Email: Cityattorney@sfcityatty.org
Jesse.Smith@sfcityatty.org
Yvonne.Mere@sfcityatty.org
Julie.Veit@sfcityatty.org
Christopher.Stuart@sfcityatty.org

Attorneys for Plaintiff and Counterclaim Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
OAKLAND,

Defendants.

AND RELATED COUNTERCLAIM

Case No. 3:24-CV-02311-TSH

**SECOND DECLARATION OF JESSICA
WILLIAMS IN SUPPORT OF THE CITY'S
MOTION FOR PRELIMINARY INJUNCTION**

1 I, Jessica Williams, declare as follows:

2 1. I am an associate with the law firm Cooley LLP, counsel for Plaintiff in this matter.
3 I submit this declaration in connection with the City and County of San Francisco's Reply Brief in
4 Support of Plaintiff City and County of San Francisco's Motion for Preliminary Injunction
5 Enjoining Defendants. I declare that the following is true to the best of my knowledge, information,
6 and belief, and that if called upon to testify, I could and would testify to the following.

7 **Disclaimers in the Parties' Registrations**

8 2. As stated in my previous declaration, in or around September 9, 2024, I conducted
9 a search of the U.S. Patent & Trademark Office ("USPTO") records for information regarding the
10 efforts of Defendants, City of Oakland and Port of Oakland, to register the OAKLAND
11 INTERNATIONAL AIRPORT trademark. A review of the registration certificate for this
12 trademark, attached as Exhibit H to my previous declaration, shows that Oakland disclaimed
13 trademark rights to the terms "INTERNATIONAL AIRPORT." No disclaimer of "OAKLAND"
14 is present in the registration.

15 3. As stated in my previous declaration, in or around September 16, 2024, I conducted
16 a search of the USPTO records for information regarding Plaintiff's application to register the SAN
17 FRANCISCO INTERNATIONAL AIRPORT trademark. A review of the registration certificate
18 for this trademark, attached as Exhibit E to my previous declaration, shows that Plaintiff likewise
19 disclaimed rights in "INTERNATIONAL AIRPORT." No disclaimer of "SAN FRANCISCO" is
20 present in the registration.

21 **Additional Evidence of Consumer Confusion**

22 4. In or around October 1, 2024, I reviewed the comments section of a video "San
23 Francisco Bay Area or LA" comedian Joy Ofodu posted on Instagram on September 24, 2024. In
24 the video, Ofodu reacts to an offscreen voice informing her of the Oakland airport name change to
25 "San Francisco Bay Oakland International Airport." The caption to this video reads, in relevant
26 part: "Sorry, it's still the Oakland airport 😂 do not have these international travelers landing out
27 here, confused" and "ALT IMG: a woman, with a slight hint of angst underneath her aura, rules of
28 her suitcase to an off screen attendant outside of What is still very much the Oakland airport."

1 Reviewing the comments to this post, I observed several instances of apparent consumer confusion
 2 either experienced or witnessed by a commentor. I captured a screenshot of the comments section
 3 and have attached the relevant excerpts hereto as **Exhibit DD**.

4 5. For example, one Instagram user, @j_matteo, commented, “. . . Dreamforce just
 5 ended in San Francisco, with a number of people flying to the wrong airport as a result. . . .”

6 6. Another Instagram user @lindsey514 wrote about witnessing others’ confusion
 7 resulting from the name change: “. . . it’s so confusing. I’ve already seen people missing their flight
 8 because they go to SFO 😞”.

9 7. An airline employee commented from their personal account, @najma_nejwa, to
 10 describe an experience with a customer who asked for their assistance checking a bag. Eventually,
 11 the user “had to use other means to find out in the end she’s HEADING TO OAK which is Oakland
 12 not SFO San Francisco and I was like your [sic] heading to Oakland not sfo and she argued I was
 13 like you need to know it’s called Oakland and there’s already sfo so don’t confuse me and go your
 14 way and make sure you tell other agents Oakland not sfo to confuse us and your self and don’t miss
 15 your flight as it will [sic] Oakland not SFO.”

16 8. Another user, @dr_tameka, did not appear to be personally confused, but
 17 commented about concerns over confusion by out-of-towners: “No, it needs to be Oakland, because
 18 out of town folks are often confused with San Francisco (SFO) and the new San Fran Oakland
 19 Airport (OAK).” This comment caught my attention as it demonstrates that even those familiar
 20 with the name change will not include the term “Bay” in reciting the new name.

21 9. Commenting on their own confusion, user @chris.tine2011 wrote, “That’s why I
 22 got so confused I I was like no, Oakland airport on google but it kept pulling up like that.” This
 23 comment caught my attention as it appears to demonstrate a situation where it was only because of
 24 the person’s familiarity with their destination that they knew to override the Google search result.

25 10. User @empowers.souls comments about their apparent observation of confusion by
 26 ride share drivers: “**Crazy thing - ever since they changed it Uber & Lyfts have been going to**
 27 **the wrong airport.**” (emphasis added).

28 11. @danielphantOm wrote about the confusion of others: “Oh yeah the name change

1 that had a bunch of people wind up landing at the wrong airport lol”.


2 12. I also observed Instagram users discussing confusion in the comments section of
3 posts about the name change, too. For example, when @rootedrachelraeray wrote, “Nobody has
4 time for that long as [sic] name and they’re going to confuse tourists into thinking they’re in San
5 Francisco too. Watch 😬,” to which user @velveteenvoyager responded, “**already happened a
6 few times!**” (emphasis added).

7 13. Another user, @yodeleofficial, described their confusing experience in the
8 comments section: “They def doing too much. That’s how I almost missed my flight going to the
9 wrong airport”.

10 14. User @Sabrina47lewis recalled some else’s confusion, too: “Didn’t somebody just
11 missed their plane because of the name change of the airport I went to the wrong airport”.

12 15. User @mankeme.nahui commented that, apparently because of the name change,
13 “This would explain why u went to the wrong fkn airport.”

14
15 Executed on this 21st day of October, 2024, at Los Angeles, California.

16
17 
18 Jessica Williams